IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

Writ Petition No. 2402 of 2006

Mr.Yasin Mubarak Bahamad Petitioner

Vs.

The State of Maharashtra & ors. Respondents

Mr.S.G.Kudle for petitioner.

Mr.A.H.Palekar, AGP for Resp.Nos.1 to 4.

CORAM: B.H.MARLAPALLE,J.

June 19, 2006.

P.C.

. Heard Mr.Kudle, the learned counsel for the petitioner. In an enquiry ordered by the Collector at Solapur it was noticed that in Madha taluka there were about 21 hawkers who were being given a fixed quota of kerosene for distribution even though they were not granted any such licence and this was done way back in the year 1993-94. The Collector, therefore, issued show cause notices pursuant to the report submitted by the Tahsildar on 20/4/2005 and the show cause notice is dated 29/5/2005. When the Tahsildar moved to take appropriate action in stopping the quota of the petitioner who was one of

the 21 persons covered by the report dated 20/4/2005, he submitted an application on 10/6/2005 for licence and also remitted an amount of Rs.3000/- towards the fees of the same. The Collector was pleased to reject the said application by his order dated 31/8/2005 and the petitioner approached the Deputy Commissioner (Supply), Pune Division at Pune and confirmed the order of the Collector. The petitioner then went before the State Government and the Hon'ble Minister for Civil Supplies, Government of Maharashtra by the impugned order dated 26th April 2006 has confirmed the orders of both the authorities below and further directed disciplinary action against the officer who was responsible for permitting the hawkers to sell kerosene without licence.

. It is obvious that the petitioner did not hold any licence and the quota was being given to him by way of a temporary arrangement which he enjoyed for about nine years. He had no vested right for getting a licence and the licensing is done by inviting applications by public declaration. The order passed by the Minister has considered the orders of the Collector as well as the Deputy Commissioner

(Supplies) and there is error apparent on the face of the record which calls for consideration at the hands of this Court. The petition is rejected.

(B.H.MARLAPALLE,J.)